

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 6, 7, 9-23, 25-31, 33-38, 49, and 50 are pending in this application, Claims 1, 31, and 33-38 having been currently amended. Support for amended Claims 1, 31, and 33-38 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 1-2, 6-7, 9-23, 25-31, 33-38, and 49-50 were rejected under 35 U.S.C. § 101; Claims 1-2, 6-7, 9-17, 25, 27-28, 30, 33-34, 36-37, and 49 were rejected under 35 U.S.C. § 103(a) as unpatentable over Friz (U.S. Patent No. 5,786,994) in view of Siegel (U.S. Patent No. 6,970,804); Claims 18 and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Friz in view of Siegel and alleged Applicant Admitted Art (hereinafter “AAPA”); Claims 19 and 21-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Friz in view of Siegel and Lie “An Algorithm for Preventive Maintenance Policy;” Claim 20 was rejected under 35 U.S.C. § 103(a) as unpatentable over Friz in view of Siegel, Lie, and Babula (U.S. Patent No. 6,381,557); Claim 26 was rejected under 35 U.S.C. § 103(a) as unpatentable over Friz in view of Siegel and Babula; Claims 31, 35, and 38 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ridolfo (U.S. Patent No. 6,735,549) in view of Friz, Siegel, and Mairs (U.S. Patent No. 5,874,960); and Claim 50 was rejected under 35 U.S.C. § 103(a) as unpatentable over Friz in view of Siegel and Ricq (Study of CdTe and CdZnTe detectors for X-ray computed tomography).

Applicants acknowledge with appreciation the courtesy of Examiner Nguyen in granting an interview in this case with Applicants’ representative on December 15, 2010, during which time the issues in the outstanding Office Action were discussed as substantially summarized hereinafter and also on the Interview Summary Sheet.

¹ See page 8, line 9 to page 9, line 6 and page 11, lines 11-20 of the specification.

During the interview, Applicants' representative suggested amendments to independent Claims 1, 31, and 33-38 to make the claims more clearly directed towards statutory subject matter. The Examiner indicated that the proposed amendments would likely overcome the 35 U.S.C. § 101 rejection. Thus, the present amendment incorporates the amendments discussed during the interview. Also during the interview, the art rejections were discussed, and an amendment to Claim 1 was discussed which clarifies that an expectancy of the parameter data "is a predicted parameter data value expected to be received in the future regarding the status of the specific component of the medical equipment." We also discussed adding the feature of comparing the expectancy value to the first threshold value and comparing the expectancy value to the second threshold value, to Claim 1. The Examiner indicated that the above features would distinguish the claim from the cited references. In light of the indication made during the interview, Applicants have amended the independent claims to recite the distinguishing features which were discussed during the interview.

The Official Action has noted that the Related Case Statement filed on March 8, 2010 fails to comply with the provisions of 37 C.F.R. §§1.97, 1.98 and M.P.E.P. §609. In this regard, Applicants note that the Related Case Statement filed is not an Information Disclosure Statement. Thus, Applicants request that the Related Case Statement of March 8, 2010 is not considered as an IDS. As Applicants are not relying on the Examiner to be aware of a particular application belonging to the same Applicant and assignee, Applicants have submitted this material in accordance with M.P.E.P. §2004 paragraphs 9 and 10. As Applicants have furnished this information to the Examiner as a courtesy, and no such format is required of such information, Applicants respectfully submit that no further corrective action is required.

In response to the rejection of Claims 1, 2, 6, 7, 9-23, 25-31, 33-38, and 49-50 under 35 U.S.C. § 101, Applicants have amended independent Claims 1, 31, and 33-38 as discussed

during the interview to make the claims more clearly directed towards statutory subject matter.

Thus, Applicants respectfully submit that Claims 1, 2, 6, 7, 9-23, 25-31, 33-38, and 49-50 recite statutory subject matter, and respectfully request that the rejection of Claims 1, 2, 6, 7, 9-23, 25-31, 33-38, 49, and 50 under 35 U.S.C. § 101 be withdrawn.

In response to the rejections under 35 U.S.C. § 103(a), Applicants respectfully submit that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 is directed to a medical equipment management apparatus including, *inter alia*:

... a processor;

a reception unit connected to the network, configured to receive parameter data from the medical equipment located in the medical facility, the parameter data is information regarding a status of a specific component of the medical equipment;

a storage unit including a memory, connected to the network, configured to store the parameter data;

a prediction unit connected to the network, configured to calculate an expectancy of the parameter data, which is a predicted parameter data value expected to be received in the future regarding the status of the specific component of the medical equipment, and is calculated based on the stored parameter data;

a determination unit connected to the network, configured to determine a value of the expectancy based on the relation of the expectancy to a first predetermined threshold level and a second predetermined threshold level;

a second reception unit connected to the network configured to receive a reference request for the expectancy from a requester;

a providing unit connected to the network configured to allow the requester to refer to information of the expectancy based on the received reference request;

a comparison unit configured to compare the expectancy value to the first predetermined threshold level and compare the expectancy value to the second predetermined threshold level; and

an informing unit configured to issue a notification message via the network to a first address when the expectancy is determined to be between the first threshold level and the second threshold level and to a second address when the expectancy is determined to exceed the second threshold.

Independent Claims 31 and 33-38 recite substantially similar features as Claim 1.

Thus, the arguments presented below with respect to independent Claim 1 are also applicable to independent Claims 31 and 33-38.

Friz describes a system for monitoring performance conditions of a laser imager.²

However, as acknowledged by the Examiner during the interview, Friz fails to teach or suggest “a prediction unit connected to the network, configured to calculate an expectancy of the parameter data, ***which is a predicted parameter data value expected to be received in the future regarding the status of the specific component of the medical equipment***, and is calculated based on the stored parameter data,” as recited in Applicants’ independent Claim 1.

In Friz, reports are generated based on the frequency of errors of the laser imager, however, an expectancy of the parameter data which is a predicted parameter data value expected to be received in the future ***regarding the status of the specific component of the medical equipment*** based on a stored parameter data is not calculated. In other words, Friz merely keeps track of the frequency or number of errors that have ***occurred in the past*** and does not predict an expectancy of the parameter data, which is a ***predicted*** parameter value expected to be received in the future and ***is calculated based on the past number of errors***. In contrast, in Applicants’ Claim 1, an expectancy of the parameter data which is a predicted

² See column 1, at lines 6-9.

parameter data value expected to be received in the future regarding the status of the specific component of the medical equipment based on the stored parameter data is calculated, and it is the calculated expectancy of the parameter data which is compared to two threshold levels.

As explained during the interview, Friz also fails to teach or suggest “an informing unit configured to issue a notification message via the network to a first address when the expectancy is determined to be between the first threshold level and the second threshold level and to a second address when the expectancy is determined to exceed the second threshold,” as recited in Applicants’ Claim 1.

Columns 14 and 15 of Friz do not describe an expectancy of the parameter data, which is a predicted parameter data value expected to be received in the future based on the stored parameter data, that is ***compared to two threshold levels***. Column 15, lines 3-6 of Friz merely describes that over consecutive polling periods, a system 46 continuously compares the running media usage value to a threshold to determine whether the particular laser imager should be sent an additional amount of imaging media 22. However, Friz does not describe that a predicted expectancy value, which is a data value expected to be received in the future (i.e. an expected future media usage value), is compared to the threshold. In other words, in Friz, the ***current*** media usage value is compared to the threshold, a ***predicted future value*** is not compared to the threshold. Thus, Friz only describes that the frequency of the past errors are compared with a threshold.

In addition, in Applicants’ Claim 1, the ***same*** expectancy of the parameter data is compared to a first threshold and a second threshold level. In contrast in Friz, ***two different types of data*** are compared to different thresholds. The first type of data is a running media usage value that is compared to a threshold, and a second type of data is the frequency of each type of error for a particular laser imager, and this frequency data is compared to a threshold. Thus, in Friz, the same expectancy is not compared to the two thresholds. Hence, Friz fails to teach or suggest “a comparison unit configured to compare ***the expectancy value***

to the first predetermined threshold level and compare *the expectancy value* to the second predetermined threshold level” and “an informing unit configured to issue a notification message via the network to a first address when *the expectancy* is determined to be between the first threshold level and the second threshold level and to a second address when *the expectancy* is determined to exceed the second threshold,” as recited in Claim 1.

Thus, Applicants respectfully submit that independent Claims 1, 31, and 33-38 (and all claims depending thereon) patentably distinguish over Friz. Further, Applicants respectfully submit that the McCormick, Babula, Ridolfo, Mairs, Ricq, and Lie references fail to cure the above-noted deficiencies of Friz.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Derek P. Benke
Registration No. 56,944